

EN BANC

[G.R. No. 169008, July 31, 2008]

LAND BANK OF THE PHILIPPINES PETITIONER, VS. RAYMUNDA MARTINEZ, RESPONDENT.

R E S O L U T I O N

NACHURA, J.:

Before the Court are petitioner's September 20, 2007 Motion for Reconsideration^[1] and November 8, 2007 Supplemental Motion for Reconsideration,^[2] which seek the reversal of the August 14, 2007 Decision^[3] in the instant case. To recall, the Court in the challenged decision denied the petition for review on *certiorari* and affirmed the ruling of the Court of Appeals (CA) in CA-G.R. SP No. 83276.

Lifted from the said assailed decision are the following antecedent facts and proceedings:

After compulsory acquisition by the Department of Agrarian Reform (DAR), on November 16, 1993, of respondent Martinez's 62.5369-hectare land in *Barangay* Agpudlos, San Andres, Romblon, pursuant to Republic Act No. 6657 or the Comprehensive Agrarian Reform Law of 1988 (CARL), petitioner Land Bank of the Philippines (LBP) offered P1,955,485.60 as just compensation. Convinced that the proffered amount was unjust and confiscatory, respondent rejected it. Thus, the Department of Agrarian Reform Adjudication Board (DARAB), through its Provincial Agrarian Reform Adjudicator (PARAD) conducted summary administrative proceedings for the preliminary determination of just compensation in accordance with Section 16 (d) of the CARL.

On September 4, 2002, PARAD Virgilio M. Sorita, finding some marked inconsistencies in the figures and factors made as bases by LBP in its computation, rendered judgment as follows:

WHEREFORE, in view of the foregoing, judgment is hereby rendered:

Ordering the Land Bank of the Philippines to pay landowner-protestant RAYMUNDA MARTINEZ for her property covered and embraced by TCT No. T-712 with an area of 62.5369 hectares, more or less, which the Department of Agrarian Reform intends to acquire, the total amount of TWELVE MILLION ONE HUNDRED SEVENTY NINE THOUSAND FOUR HUNDRED NINETY TWO and 50/100 Pesos (Php12,179,492.50), in the manner provided for by law.

SO ORDERED.

A petition for the fixing of just compensation docketed as Agrarian Case No. 696 was then filed by LBP's counsel before the Special Agrarian Court (SAC), the Regional Trial Court of Odiongan, Romblon, Branch 82. After filing her answer to the said petition, respondent, contending that the orders, rulings and decisions of the DARAB become final after the lapse of 15 days from their receipt, moved for the dismissal of the petition for being filed out of time. Petitioner opposed the motion.

Meanwhile, respondent, still asserting the finality of PARAD Sorita's decision, filed before the Office of the PARAD a motion for the issuance of a writ of execution, which was eventually granted on November 11, 2003. Ascertaining that the petition before the SAC was filed by LBP 26 days after it received a copy of PARAD Sorita's decision, the Office of the PARAD denied LBP's motion for reconsideration and ordered the issuance of a writ of execution on February 23, 2004. Aggrieved of these developments, LBP, on March 12, 2004, moved to quash the said February 23, 2004 PARAD resolution.

On April 6, 2004, even as the motion to quash was yet unresolved, LBP instituted a petition for *certiorari* before the CA, which was docketed as CA-G.R. SP No. 83276, assailing both the November 11, 2003 and the February 23, 2004 PARAD resolutions. LBP primarily contended that the Office of the PARAD gravely abused its discretion when it issued the writ of execution despite the pendency with the SAC of a petition for the fixing of just compensation.

The CA, finding LBP guilty of forum-shopping for not disclosing the pendency of the *Motion to Quash* dated March 12, 2004, dismissed the petition on September 28, 2004, thus:

ACCORDINGLY, the present petition for certiorari is DISMISSED outright.

Consequently, in view of the dismissal of the above-entitled case, we are no longer in a position to act on the private respondent's motion for execution pending appeal.

Further, this Court, mindful that under Sec. 5, Rule 7, of the 1997 Rules of Civil Procedure, willful and deliberate forum-shopping constitutes direct contempt of court and cause for administrative sanctions, which may both be resolved and imposed in the same case where the forum shopping is found, WARNS the counsel of record of the petitioner that a repetition of a similar act of submitting a false certification shall be dealt with most severely.

SO ORDERED.

Not persuaded by LBP's motion for reconsideration, the appellate court denied the same on July 15, 2005. Necessarily, LBP, through its legal

department, elevated the case before this Court on September 9, 2005 via a petition for review on *certiorari* under Rule 45, contending, among others, that it did not commit deliberate forum shopping for what it filed with the Office of the PARAD was a motion to quash, which is not an initiatory pleading; and the decision of the PARAD cannot be executed due to the pending petition for fixing of just compensation with the SAC.

On September 14, 2005, we issued a temporary restraining order (TRO) restraining the appellate court and the DAR adjudicators from implementing the November 11, 2003 and the February 23, 2004 resolutions.

For her part, respondent contends that petitioner has committed forum-shopping when it filed a *certiorari* petition without first awaiting the resolution by the Office of the PARAD of the motion to quash; and that petitioner has lost its standing to sue considering that it is being represented by its lawyers and not the Office of the Government Corporate Counsel (OGCC). [Citations omitted.][⁴]

Three primordial issues were then resolved by the Court in the said decision--(1) whether or not petitioner could file its appeal solely through its legal department; (2) whether or not petitioner committed forum shopping; and (3) whether or not the Provincial Agrarian Reform Adjudicator (PARAD) gravely abused his discretion when he issued a writ of execution despite the pendency of LBP's petition for fixing of just compensation with the Special Agrarian Court (SAC).

The Court went on to rule that the petition for review on *certiorari* could not be filed without the Office of the Government Corporate Counsel (OGCC) entering its appearance as the principal legal counsel of the bank or without the OGCC giving its conformity to the LBP Legal Department's filing of the petition. The Court also found petitioner to have forum-shopped when it moved to quash the PARAD resolutions and at the same time petitioned for their annulment via *certiorari* under Rule 65. Most importantly, the Court ruled that petitioner was not entitled to the issuance of a writ of *certiorari* by the appellate court because the Office of the PARAD did not gravely abuse its discretion when it undertook to execute the September 4, 2002 decision on land valuation. The said adjudicator's decision attained finality after the lapse of the 15-day period stated in Rule XIII, Section 11 of the Department of Agrarian Reform Adjudication Board (DARAB) Rules of Procedure.

Dissatisfied with our ruling, petitioner successively filed, as aforesaid, the September 20, 2007 Motion for Reconsideration[⁵] and the November 8, 2007 Supplemental Motion for Reconsideration.[⁶] In both motions, petitioner contends that its lawyers are authorized to appear in the instant case for they have been issued a letter of authority by the OGCC on April 17, 2006; that it did not commit deliberate forum shopping; that the Provincial Agrarian Reform Adjudicator (PARAD) gravely abused his discretion in issuing the writ of execution to implement his decision; that respondent's defense of *res judicata* or the alleged finality of the PARAD's decision was never pleaded in her answer, hence, was already deemed waived; that the PARAD had no jurisdiction to issue the writ of execution due to the pending petition for determination of just compensation with the SAC; and that the Court's August 14, 2007 Decision in this case is contrary to its October 11, 2007